

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
LUFKIN DIVISION

LUNAREYE, INC.,

Plaintiff,

v.

AIRIQ, INC. *et al*,

Defendants.

§
§
§
§
§
§
§
§
§

Civil Action No. 9:07CV113

JUDGE RON CLARK

ORDER

Before the court is the parties' Agreed Motion to Amend the Scheduling Order [Doc. # 100] to extend certain deadlines by about two weeks. The court is of the opinion that the motion should be GRANTED and amends the Scheduling Order as set out below.

January 5, 2010

If Plaintiff has notified the court that it plans to assert new claims, it will serve P.R. 3-1 Infringement Contentions (and P.R. 3-2 document production) on Defendants by this date. **[Previous deadline: December 21, 2009]**

February 3, 2010

If Plaintiff has served new Infringement Contentions based on newly added claims, Defendants shall serve P.R. 3-3 Invalidity Contentions (and P.R. 3-4 document productions) by this date. **[Previous deadline: January 19, 2010]**

February 17, 2010

Comply with P.R. 3-7. (Designation of Wilfulness Opinions). **[Previous deadline: February 2, 2010]**

February 26, 2010

If Plaintiff has added new claims to its Infringement Contentions, the parties will exchange proposed terms for construction and identify any claim element governed by 35 U.S.C. § 112, ¶ 6 (P.R. 4-1) by this date. **[Previous deadline: February 12, 2010]**

March 12, 2010

If Plaintiff has added new claims to its Infringement Contentions, the parties will exchange preliminary

proposed claim construction and extrinsic evidence supporting same (P.R. 4-2) by this date. **The parties will also notify the court by this date if a claim construction hearing is required. [Previous deadline: February 26, 2010]**

All other deadlines remain the same. This Order shall not serve as the basis for extension of any other deadline, including the September 2010 trial date.

So **ORDERED** and **SIGNED** this **20** day of **December, 2009**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge